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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MICHAEL LEBRUN ET AL

:

SERIAL NO. 08/945,144

: Art Unit: 1638

FILED: OCTOBER 14, 1997

: Examiner: T. Haas

FOR: MUTATED 5-ENOL PYRUVYLSHIKIMATE- :  
3-PHOSPHATE SYNTHASE, GENE CODING  
FOR SAID PROTEIN AND TRANSFORMED :  
PLANTS CONTAINING SAID GENE

Commissioner for Patents  
Washington, D.C. 20231

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, WASHINGTON D.C. 20231 ON THIS 2000 DAY OF October 2000.

BY:

*Jean M. Marshall*

AMENDMENT AND (2d) RESUBMISSION OF SEQUENCE

In response to the Official Action of August 21, 2000, enclosed are paper and computer-readable copies of the sequence listing.

Please enter the paper sequence listing into the present specification.

The contents of the paper and computer-readable forms of the sequence listing are the same.

This is a (2d) resubmission of the sequence listing. The sequences of pp. 6, 15, 16, 19 and 20 have been added as new sequence listings 6-15. No new matter has been added to the application.

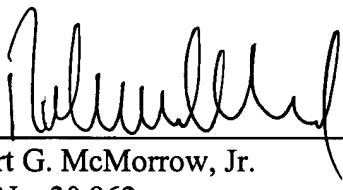
Applicants petition for a one-month extension of time, extending the due date to October 21, 2000. A check for the extension of time fee is enclosed. If any further fee is due, please

charge Deposit Account No. 03-2775.

Respectfully submitted,

CONNOLLY BOVE LODGE & HUTZ LLP

By \_\_\_\_\_

  
Robert G. McMorrow, Jr.  
Reg. No. 30,962  
Tele. (302) 658-9141  
1220 Market St.  
Wilmington, DE 19899

Enclosures: 1) Copy of 8/21/00 Office Action  
2) Paper copy of Sequence Listing  
3) Computer-readable Sequence Listing  
4) Petition for Extension (1 mo.) and check for \$110.00

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18

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/945,144	01/20/98	DEBRUN	M RP/PCT

CONNOLLY & HUTZ  
PO BOX 2207  
WILMINGTON DE 19899-2207

HM11/0821

EXAMINER

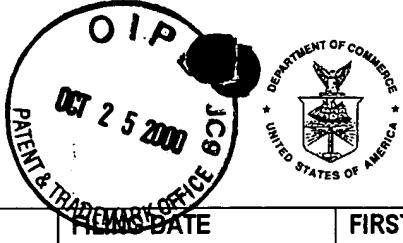
KRUSE, D

ART UNIT	PAPER NUMBER
16-363	14

DATE MAILED: 08/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	REMS DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT      PAPER

14

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

1. The communication filed 17 July, 2000 is not fully responsive to the communication mailed 23 March, 2000 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report.

Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within ONE MONTH or THIRTY DAYS, which ever is longer, from the mailing date of this letter.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Kruse, PhD whose telephone number is (703) 306-4539. The examiner can normally be reached on Monday to Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Paula Hutzell can be reached at (703) 308-4310. The fax phone number for this Group is (703) 308-4242 or (703) 305-3014.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1234.

David H. Kruse, PhD  
14 August, 2000

**AMY J. NELSON, PH.D  
PRIMARY EXAMINER**



Application No.: 08/945144

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821-1.825 for the following reason(s):

1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
7. Other: Sequins on SPEC. pages 1e, 15, 16, 19 & 20 not in compliance.

**Applicant Must Provide:**

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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